



AGENDA  
BOARD OF ZONING APPEALS MEETING  
RICHFIELD VILLAGE HALL  
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN  
AUGUST 26, 2015  
6:00 P.M.

*Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Richfield Board of Zoning Appeals, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: "Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.")*

1. Call to Order/determination of quorum
2. Verification of Open Meetings Law compliance
3. Roll Call
4. Pledge of Allegiance
5. Approval of Minutes
  - a. May 26, 2015 - Regular Meeting
6. Recess and reconvene to gather additional information at 4906 Lakeview Avenue (Tax Key: V10\_0565)
7. Reconvene at Village Hall
8. PUBLIC HEARING
  - a. Discussion/Action regarding a variance application submitted by Mr. Steven and Amy Masters for property located at 4906 Lakeview Avenue (Tax Key: V10\_0565)
9. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at [www.richfieldwi.gov](http://www.richfieldwi.gov).

Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 with as much advance notice as possible.

**1. Call to Order**

Chairman Robert Bilda called the meeting to order at 6:00 p.m.

**2. Verification of Open Meetings Law Compliance**

Village Administrator Healy stated that the meeting notice had been posted at all three (3) U.S Post Office buildings, Village Hall and online. Additionally, proper Class II Public Notice was published in the West Bend Daily News.

**3. Roll Call**

In attendance were Chairman Robert Bilda, Board Members Brian Gallitz, Jack Lietzau, and Richard Schlei.

Board Members Justin Perrault and Rob McDonald had an excused absence.

Village Administrator Jim Healy and Administrative Services Coordinator KateLynn Schmitt were also present.

**4. Pledge of Allegiance**

**5. Approval of Minutes**

**a. May 18, 2015– Regular Meeting**

Motion by Board Member Brian Gallitz to approve the meeting minutes from May 18, 2015, as drafted; Seconded by Board Member Jack Lietzau; Motion passed without objection.

**6. Recess and Reconvene to gather additional information at 641 Kreuser's Ridge (Tax Key: V10\_1215008)**

Motion by Board Member Brian Gallitz to recess and reconvene at 641 Kreuser's Ridge (Tax Key: V10-1215008); Seconded by Board Member Jack Lietzau; Motion passed without objection.

**7. Reconvene at Village Hall**

Motion by Board Member Jack Lietzau to reconvene; Seconded by Board Member Richard Schlei; Motion passed without objection.

**8. PUBLIC HEARING**

**a. Discussion/Action regarding a variance application submitted by Ms. Janean Richardson for property located at 641 Kreuser's Ridge (Tax Key: V10\_1215008)**

Motion by Board Member Don Wieland to open the Public Hearing; Seconded by Board Member Brian Gallitz; Motion passed without objection.



Janean Richardson, 641 Kreuser's Ridge stated that the installation of an attached garage to her home would add significant construction costs due to the sloping landscape. The location of the proposed detached garage before the Board wouldn't have any impact on her surrounding neighbors.

Board Member Brian Gallitz asked Ms. Richardson about other site considerations that would have allowed her to comply with the zoning code.

Ms. Richardson stated that it would take tones of dirt taken out to make the site buildable.

Board Member Jack Lietzau asked Ms. Richardson if the Building Inspector had offered any input about adding on to the current garage.

Ms. Richardson stated she had not explored an expansion of the garage any further because of the tons of dirt that would have been needed to be removed in order to do so.

Board Member Brain Gallitz stated that a topographical map of the site was not provided. He went on to say topographic features referencing steep slopes and wetlands can make a property unique but Board Member Gallitz did not believe this property to have any unique property limitations.

Motion by Board Member Jack Lietzau to close the public hearing; Seconded by Board Member Richard Schlei; Motion passed without objection.

Motion by Board Member Brian Gallitz to deny the variance application by Janean Richardson, located at 641 Krauser's Ridge (Tax Key: V10-1215008); Seconded by Board member Jack Lietzau; Motion passed without objection.

## **9. Adjournment**

Motion by Board Member Brian Gallitz to adjourn; Seconded by Board Member Richard Schlei; Motion passed without objection at 7:04 p.m.

Respectfully Submitted

Jim Healy  
Village Administrator



**VILLAGE OF RICHFIELD**  
**BOARD OF ZONING APPEALS COMMUNICATION FORM**  
**MEETING DATE: August 26, 2015**

**SUBJECT:** Variance Petition for 4906 Lakeview Ave. (Tax Key: V10-0565)

**DATE SUBMITTED:** August 21, 2015

**SUBMITTED BY:** Jim Healy, Village Administrator

*POLICY QUESTION: DOES THE BOARD OF ZONING APPEALS BELIEVE THE APPLICANT MET THE BURDEN FOR PROVING AN UNNECESSARY HARDSHIP, UNIQUE PROPERTY LIMITATIONS, AND A COMPELLING PUBLIC INTEREST FOR THE REQUESTED VARIANCE?*

*ISSUE SUMMARY:*

The issue before us tonight is whether or not the petitioner (or agent) has made a compelling case for the requested 'Area Variance'. Our applicant tonight is requesting a variance from Section 70.211(F)(3)(b), 70.211(F)(1)(b), 70.213(G)(3)(a)(i), which states that side yard setbacks must be a minimum of a cumulative of 25' on each side with no less than 10' on a side, the minimum lot size of 7,500 sqft., and the placement of 15' of fill surrounding the perimeter of the structure.

Given the proposed home location and survey we've received, the petitioner is requesting a variance of 5' on the west side and 5.7' on the east side so that the petitioner may have the ability to construct a future home with 5' and 9.30' (at its closest point) setbacks. The placement of 15' of fill surrounding the property would be accomplished by the construction of a 0'-2.5' retaining wall on both side yards. This is a common and typical practice with new home construction on Friess Lake due to the typical size of the lot. Lastly, the lot minimum size of 7,500sqft. is obviously something that cannot be altered given the petitioner's ownership of this singular lot.

To give some background on this property, albeit anecdotally, this property was once owned by a Mr. David Olson. Back in 2007, the property owner petitioned both Washington County, FEMA and the DNR for these same or similar types of variance requests so that a new single family home could be built. A floodplain analysis was previously conducted by Yaggy Colby and was approved by Mr. Brent Binder, PE of the Wisconsin DNR. As a part of that application process, the previous home owner also received a "Conditional Letter of Map Revision Based on Fill" from FEMA on or around that same period of time. Alas, the proposed home was never built and now the new owner is petitioning our jurisdiction to review the same again. To assist the Village with this project, Staff has again enlisted the professional services of the WI-DNR.

Area variances provide an incremental relief (normally small) from a physical dimensional restriction such a building height or setback (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustments, 2004*). As you well-know, in order to legally grant a variance, the petitioner must prove three different criteria:

- 1) **Unnecessary Hardship:** For this type of variance, unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustment, 2004*). To determine whether this standard is met, our Board should consider the purpose of the zoning ordinance in question, its effects on the property, and the short-term, long-term, and cumulative effects of granting the variance (*State ex rel. Ziervogel v. Washington County Bd. Of Adjustments, 2004*).

While certainly I won't speculate as to the reasoning behind the 1983 adoption of this version of the zoning code, or the multiple nuances contained therein, from a planning and zoning perspective I can tell you that the purpose of the zoning ordinance in question relating to setbacks are the following:

- They provide uniformity to a neighborhood and determine the relationships and placement between structures.
- Setbacks allow a certain measure of privacy between neighbors, provide space for light and air circulation, and provide open space for landscaping, recreational use, and erosion control. They also provide distance between neighbors to mitigate noise and odors.



**VILLAGE OF RICHFIELD**  
**BOARD OF ZONING APPEALS COMMUNICATION FORM**  
**MEETING DATE: August 26, 2015**

- Setbacks also ensure that there is adequate room for emergency vehicles between and around the properties and access for utility works that need to deal with power, water, and gas lines. It also provides space for maintenance on the home.

In the Village's Zoning Code there are multiple variations of the side yard setback. The intention was that each zoning classification would be so uniquely different that they would require a different setback margin. Presumably, these required distances vary based on the density of homes or buildings, size of properties or other environmental factors (shorelines). As a general principle, as lots become smaller, so do the setbacks. Also, the opposite is also sometimes true, as lots become larger, so do the setbacks.

"Side Yard" is defined by 70.12(B):

**Side Yard:** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Setbacks are often used in the context of a minimum setback (analyzing tonight) which would be interpreted as a minimum distance between a structure and a property line.

**Applicant's Response:**

"With the current setback requirement of a total of 25' it would only allow a 13' wide house to be built, which would unreasonably prevent the owner from using the property for a permitted use in the future."

**Staff's Response:**

The Applicant's belief that a 13' wide home would be 'unreasonable' appears to be a legitimate argument. While each BZA case is looked at individually, this same type of an argument was used with the Dan Sensation variance application in both 2012 and 2013. Creating a 13' wide home could potentially be considered 'unnecessarily burdensome'. Relative to the setbacks, this property is your "typical" Friess Lake property which is wide at the road and narrows towards the ordinary high water mark. This lot is 0.134 acres or 5,841 sqft, which is less than the 7,500 sqft required for already noted 'substandard' lots not served by public sanitary sewer. Additional information will need to be gathered at both the site visit and during the Public Hearing before any determination can be made if they've met this criteria.

**2) Hardship Due to Unique Property Limitations**

Unnecessary hardship must be due to unique physical limitations of the property, such as steep slopes or wetlands that prevent compliance with the ordinance (*State ex rel. Spinner v. Kenosha County Bd. Of Adjustments, 1998*).

**Applicant's Response:**

"Because of the cone shaped lot, 35' at lake and 50' at the road not allowing for proper setbacks. Typical Friess Lake lot that is non-conforming."

**Staff's Response:**

The Applicant is correct that this property is legal, non-conforming with regard to being smaller than the minimum lot size. The Applicant's argument for having unique property limitations due to the property being "cone shaped" is well-founded. The Village's lot design standards, which are not a part of this variance process do indicate that lots ought to be rectangular in



**VILLAGE OF RICHFIELD**  
**BOARD OF ZONING APPEALS COMMUNICATION FORM**  
**MEETING DATE: August 26, 2015**

shape and should avoid an excessive depth to width ratio of 2:1. Additional information will need to be gathered during the site visit and Public Hearing to determine if this standard is met.

**3) No Harm to Public Interests**

A variance may not be granted which results in harm to public interests (*State v. Winnebago County, 1995; State v. Kenosh County Bd. Of Adjustments, 1998*). In applying this test, the Zoning Board should review the purpose statement of the ordinance and related statutes in order to identify public interests. In light of public interests, zoning boards must consider the short-term and long-term impacts of the proposal and the cumulative impacts of similar projects on the interest of neighbors, the community, and even the state. Review should focus on the general public interest, rather than the narrow interests or impacts on neighbors, patrons or residents in close proximity of the project.

**Applicant's Response:**

"Looking at some of the current homes surrounding this property this is more conforming to the new houses built within the last 5-10 years".

**Staff's Response:**

From looking at the petition from a globalized perspective, one could make an argument that reducing the side yard setbacks for this property or other similar properties around the lake may have a very little cumulative effect. Staff is of the mindset that the public interest is served best and the spirit of the ordinance is followed when citizens are allowed a reasonable use of their property as prescribed by the Village Code. This setback of 25' (cumulative, with no less than 10' on one side) provides a necessary privacy buffer to neighbors around the lake communities that were at one time deemed desirable by the Town Board. More information will need to be gathered during the Public Hearing to see whether or not this standard has been met.

**FUTURE IMPACT & ANALYSIS:**

REVIEWED BY:

*[Signature]*  
Village Deputy Clerk

Forward to Village Board: No  
Additional Approvals Needed: No  
Signatures Required: YES

**ATTACHMENTS:**

1. E-mail from West Bend Daily News confirming publication of the scheduled Public Hearing
2. List of properties who were notified of the scheduled Public Hearing
3. Submittal package by Steve Masters

**STAFF RECOMMENDATION:**

*MOTION TO DIRECT STAFF TO DRAFT A FORMAL DECISION LETTER REGARDING THE VARIANCE PETITION, PROCEEDINGS, AND GENERAL OUTCOME WITH THE INTENTION THAT THIS LETTER WILL BE SIGNED BY THE VOTING MEMBERS OF THE BOARD OF ZONING APPEALS AND A COPY OF SAID DOCUMENT WILL BE PROVIDED TO THE PETITIONER.*


APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY  
BOARD ACTION TAKEN





**VILLAGE OF RICHFIELD**  
**BOARD OF ZONING APPEALS COMMUNICATION FORM**  
MEETING DATE: August 26, 2015

<div data-bbox="154 331 535 430" data-label="Text"></div> <div data-bbox="300 394 565 426" data-label="Text"><p>Village Staff Member</p></div> <div data-bbox="297 508 566 546" data-label="Text"><p>Village Administrator</p></div>	<table><tr><td>Resolution No.</td><td>Continued To:</td></tr><tr><td>Ordinance No.</td><td>Referred To:</td></tr><tr><td>Approved</td><td>Denied</td></tr><tr><td>Other</td><td>File No.</td></tr></table>	Resolution No.	Continued To:	Ordinance No.	Referred To:	Approved	Denied	Other	File No.
Resolution No.	Continued To:								
Ordinance No.	Referred To:								
Approved	Denied								
Other	File No.								

Public Hearing Notices:

Steve Masters

Mailed 8/11/15 mp

V10-0564

Jeffrey A. Henckel  
1005 Hawthorn Dr  
West Bend, WI 53095

V10-0609 & 060600C & V10-0570

Joseph C. Fuchs  
12720 Lisbon Ave  
Brookfield, WI 53005

V10-0565

Steven P. Masters  
10204 N Hayden Ct  
Mequon, WI 53092

V10-0566

Robert W. Eisenbrown  
3244 N Hackett Ave  
Milwaukee, WI 53211

V10-060600B & 0575

Jennifer S. Nichols  
241 St Augustine Rd  
Colgate, WI 53017

V10-0560 & 0561

Joseph J. Immekus  
1625 S 80th St  
West Allis, WI 53214

V10-046600A

CURRENT RESIDENT  
4896 Lakeview Ave  
Hubertus, WI 53033

V10-0604 & 0603

Barbara A Koch  
1444 Footbridge Rd  
Hubertus, WI 53033

V10-0571

Charnene D. Silver  
252 Keirns Ct  
Ozark, AL 36360

V10-046600C

William J. Saemann  
6116 Indian Trail Rd  
Gurnee, IL 60031

V10-0602

Mike Juno  
1450 Shoreland Ln  
Hubertus, WI 53033

V10-0572

CURRENT RESIDENT  
4915 Lakeview Ave  
Hubertus, WI 53033

V10-046600D

Harold P. Stoiber  
12810 Cherry Tree Ln  
New Berlin, WI 53151

V10-0600 & 0599

Charnene D. Silver  
1462 Shoreland Lane  
Hubertus, WI 53033

V10-0573

Joseph J. Colwell  
1341 Neya Ti Ct  
Hubertus, WI 53033

V10-046600F

Melissa A. Torgerson  
3924 E Grange Ave  
Cudahy, WI 53110

V10-0572

CURRENT RESIDENT  
4915 Lakeview Ave  
Hubertus, WI 53033

V10-0574 & 060600A

CURRENT RESIDENT  
4907 Lakeview Ave  
Hubertus, WI 53033

V10-046600G

Mary Timm  
N124 W13976 Lovers Ln  
Germantown, WI 53022

V10-0573

Joseph J. Colwell  
1341 Neya Ti Ct  
Hubertus, WI 53033

V10-0575

Jennifer S. Nichols  
241 St Augustine Rd  
Colgate, WI 53017

V10-046600H& 046600I

Jim Stefonich  
4884 Lakeview Ave  
Hubertus, WI 53033

V10-057700B

Robert W. Eisenbrown  
3244 N Hackett Ave  
Milwaukee, WI 53211

V10-056200A

Sally S Coyle Trust  
610 Sunrise Ave  
Lake Bluff, IL 60044

V10-046600J & 00K

John P. Barnes  
5966 Eagle Point Rd  
Hartford, WI 53027

V10-0563

CURRENT RESIDENT  
4912 Lakeview Ave  
Hubertus, WI 53033

V10-0610

CURRENT RESIDENT  
1420 Foot Bridge Rd  
Hubertus, WI 53033

**(Class II Pubic Notice)**  
**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF RICHFIELD**  
**Wednesday, August 26, 2015**

**PLEASE TAKE NOTICE:**

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Board of Zoning Appeals will conduct a public hearing on Wednesday, August 26, 2015 at 6:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033, to consider the variance petition submitted by Steven and Amy Masters for property located at 4906 Lakeview Avenue (Tax Key: V10\_0565). The petitioner is seeking a variance from applicable development standards in Section 70.213 of the village code relating to the placement of fill around the perimeter of a new building and a variance from applicable development standards in Section 70.211 of the village code relating to shoreland zoning, including building setback requirements and lot dimensional requirements. The Board will convene the meeting at the time specified above. Pursuant to provisions of the Village of Richfield zoning ordinance, the Board will view the subject property at that time. Following the site inspection, the Board will reconvene at the Village Hall for further deliberations and potential action on the petition. A copy of the petitioner's application is available for inspection at the Village Hall, at the above address.

All interested parties will be heard. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's Office at (262)-628-2260 with as much advance notice as possible.

Dated this August 10, 2015

**Publication Dates:**

Friday, August 14, 2015

Wednesday, August 19, 2015

Jim Healy  
Village Administrator







### Narrative

This report summarizes an update to the previously approved floodplain analysis for Friess Lake. Earlier in 2015, an analysis was completed for the property at 4729 N. Friess Lake Dr. This study analyzes the proposed residence to be constructed on the south side of Friess Lake, at 4906 Lakeview Ave. The current owners wish to proceed with a proposed residence on the property located within Friess Lake's flood plain. The previous 2015 modeling efforts were utilized and revised to include the new grading and house plans for the parcel. Cross sections were added to the model in the vicinity of the additional property. Once again, the modeling shows no impacts to the 100 year flood elevation, with the proposed filling of the property. We have included in this report all of the previous approvals from WDNR and FEMA for the original efforts completed in 2007.

Below is the excerpt from the original 2007 report, for reference.

The resident is applying for a building permit for the property, the proposed Olson residence to be located at 4729 N. Friess Lake Drive in Richfield. An encroachment analysis was completed for the site due to the site needing to be filled to get the proposed building above the 100-year flood elevation. The 100-year flood elevation in the vicinity of the property is 960.5 as interpreted from the FEMA map and 961.03 from the HEC-RAS files. The existing ground elevation on the property is 958 +/- . A 1979 HEC-HMS model by Donohue and Associates was converted to HEC-RAS and used to model the proposed fill on the property. Four cross-sections were added to the model through the property area. Please notice the proposed building is in the ineffective flow area. In older versions of HEC-RAS the ineffective flow was modeled as obstructed flow. After modeling the fill to an elevation of 963, the 100-year flood elevation did not change.





# Cornerstone Land Surveying, LLC

## Plat of Survey

### Surveyor:

Richard Simon  
5080 Fairy Chasm  
West Bend, WI 53095  
(262) 424-5630

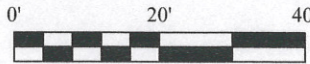
### Address:

4906 Lakeview Ave.  
Hubertus, WI 53033

### Notes:

- 1) Bearings or Distances in ( ) are Recorded Measurements
- 2) In providing this boundary survey no attempt has been made to obtain or show data concerning the existence of any utility on the site, whether private, municipal, or public owned.
- 3) No Title Policy furnished therefore completeness of easements is not warranted.
- 4) 100 Year Flood Elevation 960.5' NGVD 1929, per FEMA Panel # 55131C0332D, Effective November 20th, 2013
- 5) Elevations are referenced to the West 1/4 corner of Section 17-9-19, Elevation 959.347' NGVD 1929.

Scale 1"=20'



### Legend:

- Denotes Iron Pipe Found
- Existing Improvements
- Proposed Improvements
- Existing Contours
- Proposed Contours
- ↗ Drainage Arrow

### Description:

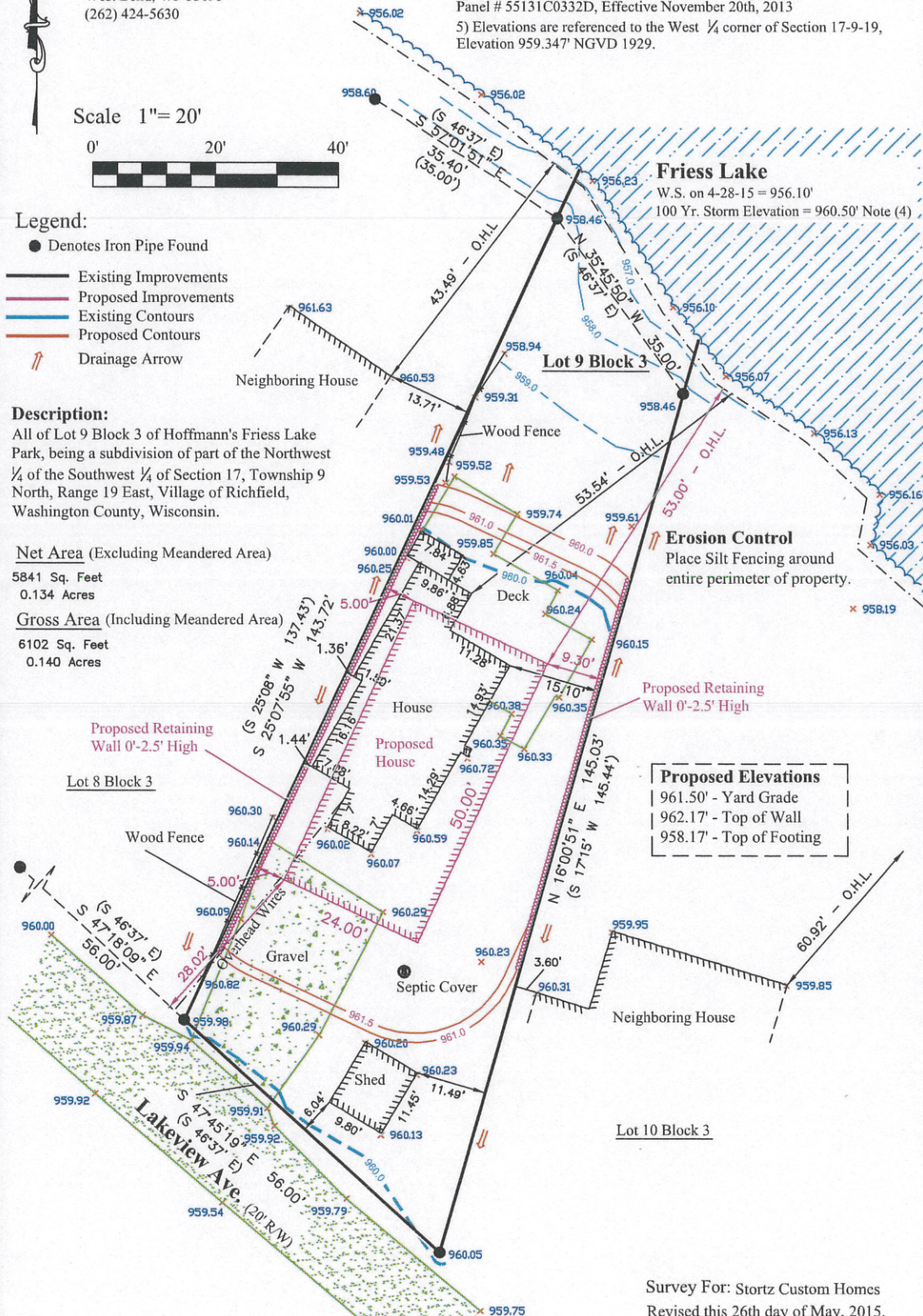
All of Lot 9 Block 3 of Hoffmann's Friess Lake Park, being a subdivision of part of the Northwest 1/4 of the Southwest 1/4 of Section 17, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

### Net Area (Excluding Meandered Area)

5841 Sq. Feet  
0.134 Acres

### Gross Area (Including Meandered Area)

6102 Sq. Feet  
0.140 Acres



### Proposed Elevations

961.50' - Yard Grade  
962.17' - Top of Wall  
958.17' - Top of Footing

Survey For: Stortz Custom Homes  
Revised this 26th day of May, 2015.

STATE OF WISCONSIN ) SS.  
COUNTY OF WASHINGTON)

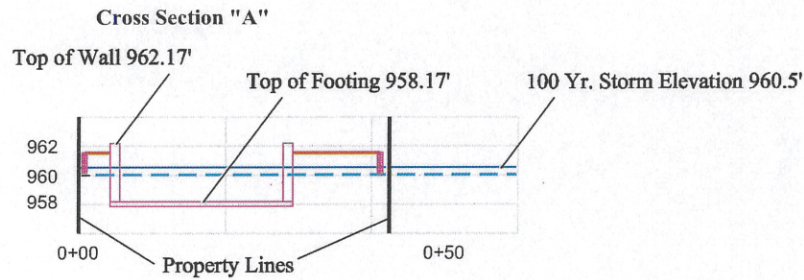
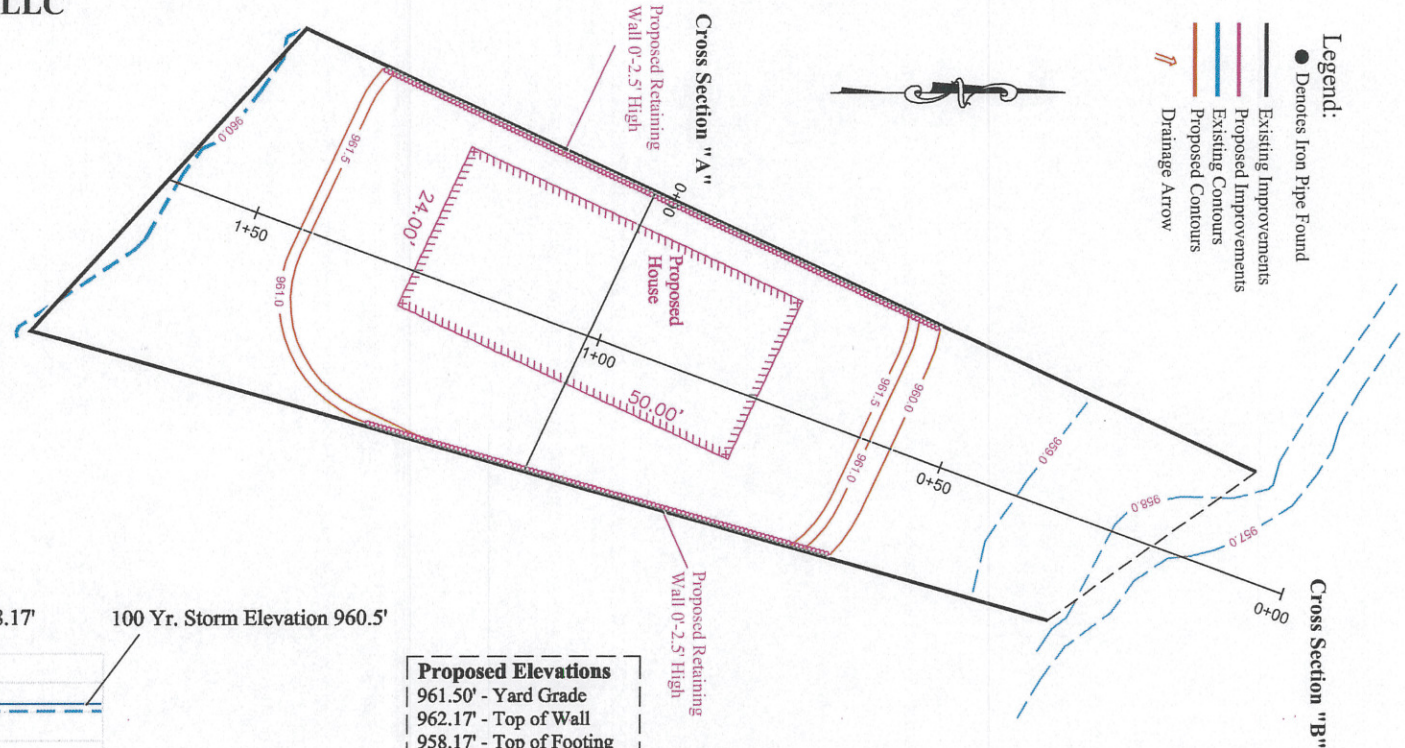
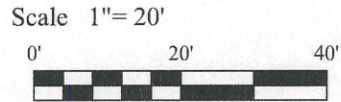
"I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ACCORDING TO OFFICIAL RECORDS AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM THE DATE HERETO."

Sheet 1 of 2

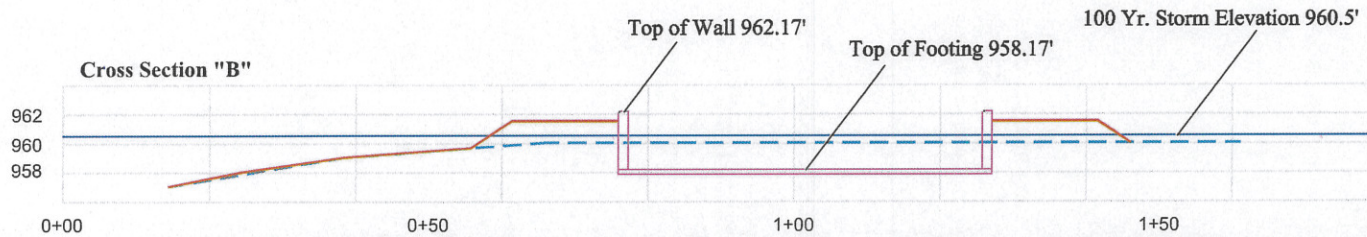


**Cornerstone Land Surveying, LLC**  
Plat of Survey

- Legend:**
- Denotes Iron Pipe Found
  - Existing Improvements
  - Proposed Improvements
  - Existing Contours
  - Proposed Contours
  - ↗ Drainage Arrow



**Proposed Elevations**  
961.50' - Yard Grade  
962.17' - Top of Wall  
958.17' - Top of Footing







# Washington County

## Planning and Parks Department

7/6/07

RECEIVED  
JUL 09 2007  
YAGGY COLBY

Attn: Brent Binder, DNR Floodplain Engineer  
Wisconsin Department of Natural Resources  
Plymouth Service Center  
1155 Pilgrim Rd.  
Plymouth, WI 53073

RE: Proposed house addition/remodeling for David Olson in a floodway on Friess lake, Sec. 17, Town of Richfield, 4729 N. Friess Lake Dr, Hubertus, WI 53033, Tax. No. T10-0453-00G.

Dear Mr. Binder:

Enclosed is a floodplain analysis for the above noted property done by Yaggy/Colby and Associates. The narrative describes the analysis being conducted for fill in a floodway for bringing the residence to the flood protection elevation, which is 962.5'. The floodplain elevation is 960.5'. I don't believe there is any analysis for the residence having a garage added to the existing residence, and the residence changing in shape. There was a detached garage on the property, recently removed, that was over the concrete slab shown on the plat of survey.

I explained to the Architect for the project that the area of the house with an attached garage must not be greater than what the existing square footage of the house is and what the square footage of the detached garage was. I explained that because the proposal may create more of a damn effect, that approval from you is needed, and that a floodplain study would be needed. I don't recall that fill would be needed to raise the residence to the flood protection elevation. Rather, I thought that just the foundation would be raised. Further, I stated that the structural components of the project must be less than 50% of the assessed value of the current residence, and that these costs would be scrutinized. A variance may also be needed for setbacks.

Please review the floodplain analysis and comment to me on the adequacy of the study. Please feel free to contact me to discuss this project. You may also want to contact the other interested parties if you need additional information.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Gloria L. McCutcheon, Regional Director

Plymouth Service Center  
1155 Pilgrim Road  
Plymouth, Wisconsin 53073  
Telephone 920-892-8756  
FAX 920-892-6638  
TTY Access via relay - 711

November 14, 2007

RECEIVED  
NOV 16 2007  
YAGGY COLBY

Mr. Dave Seils  
Washington Co. Planning & Parks Dept.  
Public Agency Center - Suite 2300  
333 East Washington Street  
West Bend, WI 53095-2003

Subject: Encroachment Analysis for the Olson Property - SE ¼ of the NW ¼ of Section 17,  
Town of Richfield

Dear Mr. Seils:

I have completed the review of the floodway encroachment analysis for the Olson Property in Section 17 of the Town of Richfield. The analysis was performed by Mr. Mark Mickelson, P.E. and submitted by the County for review on July 6, 2007. My review found that the analysis meets the flood plain study requirements of NR 116, Wisconsin Administrative Code and therefore has gained my approval.

This floodway encroachment analysis documents that no impact will result from placing a fill building pad within the floodplain of the Oconomowoc River. While the floodplain is not mapped as a detailed analysis on the effective FEMA Flood Insurance Rate Map panel #550471 0070, the County does identify this area as floodway on your floodplain zoning maps. The applicant will now need to go through the County's rezoning process to have the floodplain correctly delineated on the property. During that process, Washington County may choose to approve the proposed project if all other development standards are met.

The County is also responsible for ensuring the information is submitted to the Federal Emergency Management Agency (FEMA) for their review and approval. As always, please feel free to contact me with any questions or concerns at 920-892-8756 ext. 3032.

Sincerely,

Brent A. Binder, PE  
Water Management Engineer

CC: Mr. Mark Mickelson, P.E., Yaggy Colby Associates, PO Box 180500, Delafield, WI 53018



# Federal Emergency Management Agency

Washington, D.C. 20472

February 19, 2013

RECEIVED  
FEB 23 2013  
YAGGY COLBY

THE HONORABLE HERBERT J. TENNIES  
COUNTY BOARD CHAIR  
432 EAST WASHINGTON STREET  
P.O. BOX 1986  
WEST BEND, WI 53095

CASE NO.: 12-05-9165C  
COMMUNITY: WASHINGTON COUNTY, WISCONSIN  
(UNINCORPORATED AREAS)  
COMMUNITY NO.: 550471

DEAR MR. TENNIES:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Conditional Letter of Map Revision based on Fill (CLOMR-F) Comment Document. This comment document provides additional information regarding the effective NFIP map, the legal description of the property and our comments regarding this proposed project.

Additional documents are enclosed which provide information regarding the subject property and CLOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Sincerely,

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

**LIST OF ENCLOSURES:**

CLOMR-F COMMENT DOCUMENT

cc: Mr. Mark Mickelson





# Federal Emergency Management Agency

Washington, D.C. 20472

## CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	WASHINGTON COUNTY, WISCONSIN (Unincorporated Areas)	A parcel of land, as described in the Warranty Deed, recorded as Document No. 582766, in Volume 1135, Pages 648 and 649, in the Office of the Register of Deeds, Washington County, Wisconsin  Parcel ID: T10-0453-00G
	COMMUNITY NO.: 550471	
AFFECTED MAP PANEL	NUMBER: 5504710070B  DATE: 9/1/1983	

FLOODING SOURCE: FRIESS LAKE; OCONOMOWOC RIVER

APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 43.247, -88.275  
SOURCE OF LAT & LONG: ARCGIS 10

DATUM: NAD 83

COMMENT TABLE REGARDING THE PROPOSED PROPERTY (PLEASE NOTE THAT THIS IS NOT A FINAL DETERMINATION. A FINAL DETERMINATION WILL BE MADE UPON RECEIPT OF AS-BUILT INFORMATION REGARDING THIS PROPERTY.)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT WOULD BE REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
--	--	--	4729 North Friess Lake Drive	Structure	C	960.4 feet	961.8 feet	--

**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)


PORTIONS REMAIN IN THE SFHA

STATE LOCAL CONSIDERATIONS

CONDITIONAL LOMR-F DETERMINATION  
STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's comment regarding a request for a Conditional Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the proposed structure(s) on the property(ies) would not be located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) if built as proposed. Our final determination will be made upon receipt of a copy of this document, as-built elevations, and a completed Community Acknowledgement form. Proper completion of this form certifies the subject property is reasonably safe from flooding in accordance with Part 65.5(a)(4) of our regulations. Further guidance on determining if the subject property is reasonably safe from flooding may be found in FEMA Technical Bulletin 10-01. A copy of this bulletin can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. This document is not a final determination; it only provides our comment on the proposed project in relation to the SFHA shown on the effective NFIP map.

This comment document is based on the flood data presently available. The enclosed documents provide additional information regarding this request. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

  
Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration





# Federal Emergency Management Agency

Washington, D.C. 20472

## CONDITIONAL LETTER OF MAP REVISION BASED ON FILL COMMENT DOCUMENT

### ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

#### **PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)**

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

#### **CONDITIONAL LOMR-F DETERMINATION (This Additional Consideration applies to the preceding 1 Property.)**

Comments regarding this conditional request are based on the flood data presently available. Our final determination will be made upon receipt of this Comment Document, certified as-built elevations and/or certified as-built survey. Since this request is for a Conditional Letter of Map Revision based on Fill, we will also require the applicable processing fee, and the "Community Acknowledgement" form. Please note that additional items may be required before a final as-built determination is issued.

This letter does not relieve Federal agencies of the need to comply with Executive Order 11988 on Floodplain Management in carrying out their responsibilities and providing Federally undertaken, financed, or assisted construction and improvements, or in their regulating or licensing activities.

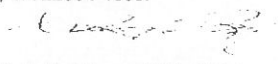
#### **STUDY UNDERWAY (This Additional Consideration applies to all properties in the CLOMR-F COMMENT DOCUMENT)**

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

#### **STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the CLOMR-F COMMENT DOCUMENT)**

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

  
Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration



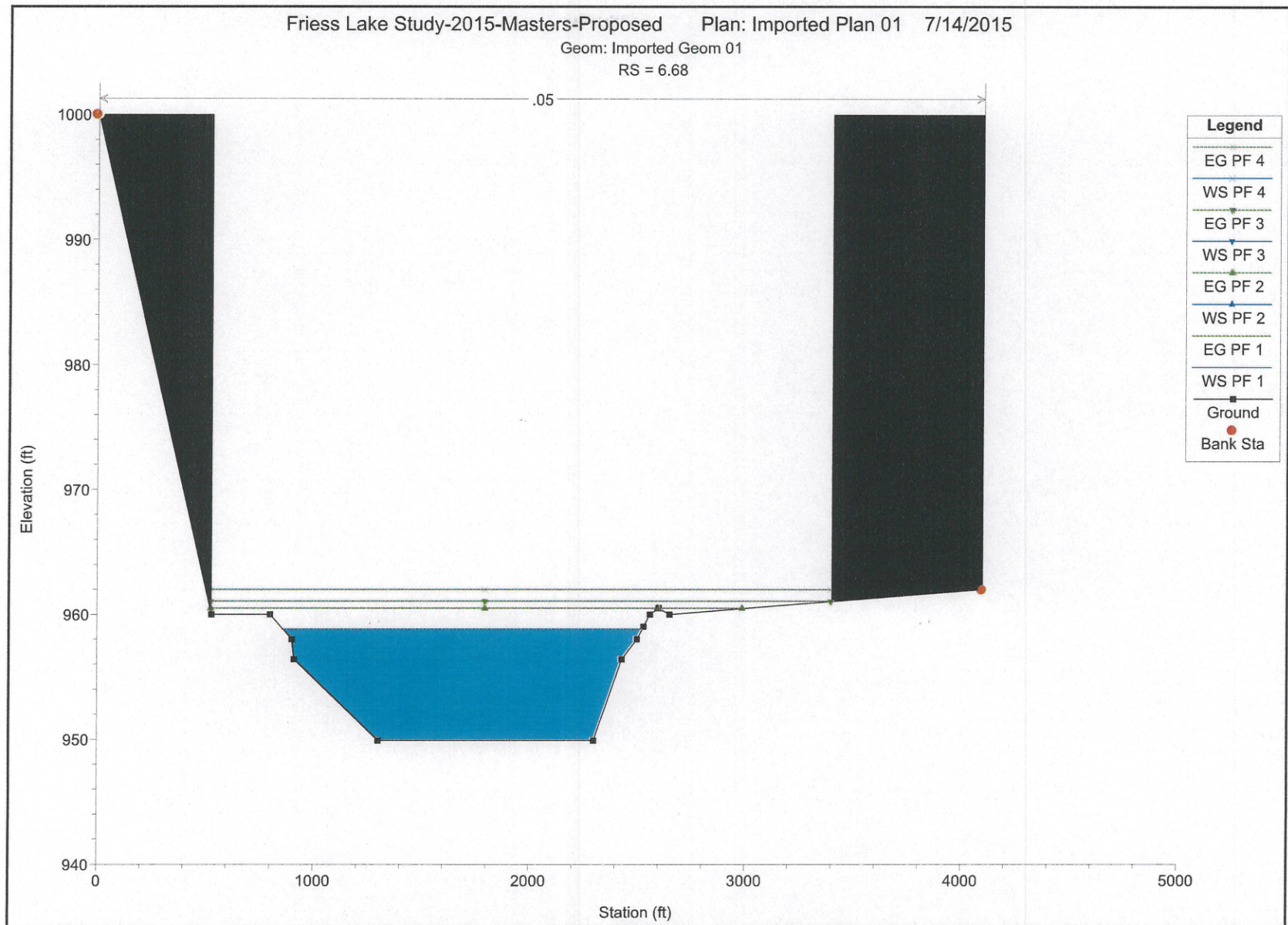




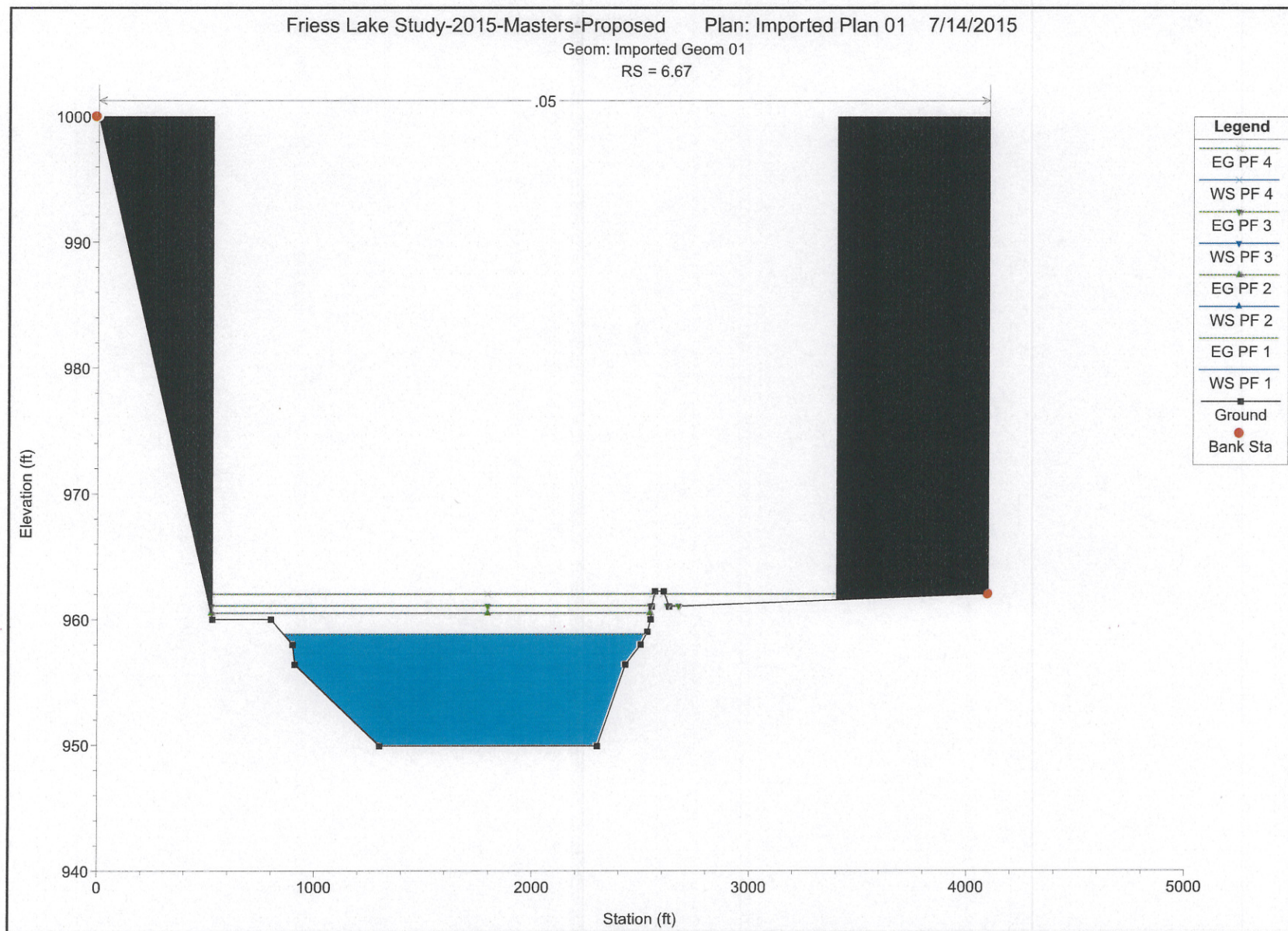
Friess Lake Floodplain Analysis  
 4729 Friess Lake Rd  
 SEH-Yaggy  
 1/23/2015

Reach	River Sta	Profile	Revised with Filled Lot									Effective		
			Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	W.S. Elev (ft)	Flow Area (sq ft)	Top Width (ft)
Reach-1	9.5	PF 3	55	960.9	<b>968.18</b>	0	968.18	0	0.01	5147.5	1188	<b>968.18</b>	5147.5	1188
Reach-1	9.05	PF 3	750	959.7	<b>968.18</b>	0	968.18	0.000002	0.17	7076.54	1000	<b>968.18</b>	7076.54	1000
Reach-1	8.83	PF 3	750	958.2	<b>968.18</b>	0	968.18	0.000002	0.18	8277.55	1287	<b>968.18</b>	8277.55	1287
Reach-1	8.58	PF 3	750	957.5	<b>968.17</b>	0	968.17	0.000006	0.33	6022.97	984.97	<b>968.17</b>	6022.97	984.97
Reach-1	8.16	PF 3	750	957.1	<b>968.14</b>	0	968.15	0.000067	1.2	2123.78	546.56	<b>968.14</b>	2123.78	546.56
Reach-1	8.15	PF 3	750	957.1	<b>967.49</b>	961.72	967.95	0.001482	5.43	138.22	399.83	<b>967.49</b>	138.22	399.83
Reach-1	8.145	0	Bridge	0	<b>0.00</b>	0	0	0	0	0	0	<b>0.00</b>	0	0
Reach-1	8.14	PF 3	750	957.1	<b>965.98</b>	961.74	966.6	0.002509	6.35	118.03	314.45	<b>965.98</b>	118.03	314.45
Reach-1	8.13	PF 3	750	957.1	<b>961.37</b>	961.37	963.36	0.023194	11.87	80.35	24.28	<b>961.37</b>	80.35	24.28
Reach-1	7.75	PF 3	750	955.7	<b>961.20</b>	0	961.21	0.000116	0.83	1583.32	567.98	<b>961.20</b>	1583.38	568.01
Reach-1	7.48	PF 3	860	954.6	<b>961.18</b>	0	961.18	0.000001	0.17	3010.81	796.16	<b>961.18</b>	3010.91	796.16
Reach-1	7.47	PF 3	860	954.6	<b>961.18</b>	960.34	961.18	0.000013	0.19	2545.79	600	<b>961.18</b>	2545.86	600
Reach-1	7.465	0	Bridge	0	<b>0.00</b>	0	0	0	0	0	0	<b>0.00</b>	0	0
Reach-1	7.46	PF 3	860	954.6	<b>961.08</b>	960.34	961.08	0.000014	0.19	2486.72	600	<b>961.08</b>	2486.79	600
Reach-1	7.45	PF 3	860	954.6	<b>961.08</b>	0	961.08	0.000011	0.17	2928.47	792.94	<b>961.08</b>	2928.56	792.94
Reach-1	7.37	PF 3	860	951.7	<b>961.08</b>	0	961.08	0.000004	0.18	5071.59	1469.38	<b>961.08</b>	5071.77	1469.38
Reach-1	7.36	PF 3	860	951.7	<b>961.07</b>	955.4	961.08	0.000005	0.2	4204.69	1000	<b>961.07</b>	4204.81	1000
Reach-1	7.355	0	Bridge	0	<b>0.00</b>	0	0	0	0	0	0	<b>0.00</b>	0	0
Reach-1	7.35	PF 3	860	951.7	<b>961.05</b>	955.4	961.05	0.000005	0.2	4184.12	1000	<b>961.05</b>	4184.24	1000
Reach-1	7.34	PF 3	860	951.7	<b>961.05</b>	0	961.05	0.000004	0.18	5039.4	1468.83	<b>961.05</b>	5039.58	1468.84
Reach-1	7.17	PF 3	860	955.1	<b>961.04</b>	0	961.05	0.000051	0.49	1929	550	<b>961.04</b>	1929.06	550
Reach-1	6.89	PF 3	860	955.1	<b>961.04</b>	0	961.04	0.000004	0.17	6601.1	2653.43	<b>961.04</b>	6601.42	2653.44
Reach-1	6.77	PF 3	860	949.9	<b>961.03</b>	0	961.03	0	0.05	18085.03	2100	<b>961.03</b>	18085.29	2100
Reach-1	6.76	PF 3	860	949.9	<b>961.03</b>	0	961.03	0	0.05	17762.63	1988	<b>961.03</b>	17762.88	1988
Reach-1	6.75	PF 3	860	949.9	<b>961.03</b>	0	961.03	0	0.05	17762.63	1988	<b>961.03</b>	17762.88	1988
Reach-1	6.74	PF 3	860	949.9	<b>961.03</b>	0	961.03	0	0.05	18085.03	2100	<b>961.03</b>	18085.29	2100
Reach-1	6.68	PF 3	900	949.9	<b>961.03</b>	0	961.03	0	0.05	16605.2	2870	<b>961.03</b>	16605.55	2870
Reach-1	6.67	PF 3	900	949.9	<b>961.03</b>	0	961.03	0	0.06	16127.02	2072.21	<b>961.03</b>	16605.38	2870
Reach-1	6.66	PF 3	900	949.9	<b>961.03</b>	0	961.03	0	0.05	16605.2	2870	<b>961.03</b>	16605.2	2870
Reach-1	6.47	PF 3	900	955.1	<b>961.03</b>	0	961.03	0.000014	0.37	3598.29	848	<b>961.03</b>	3598.29	848
Reach-1	6.34	PF 3	900	954.6	<b>961.02</b>	0	961.02	0.000015	0.38	5216.23	1272.87	<b>961.02</b>	5216.23	1272.87
Reach-1	6.16	PF 3	900	954.8	<b>961.01</b>	0	961.01	0.000016	0.39	5278.32	1443.92	<b>961.01</b>	5278.32	1443.92
Reach-1	5.78	PF 3	340	954.4	<b>960.99</b>	0	960.99	0.000006	0.25	1534.69	430.63	<b>960.99</b>	1534.69	430.63
Reach-1	5.77	PF 3	340	954.4	<b>960.98</b>	956.97	960.99	0.000013	0.35	1084	300.34	<b>960.98</b>	1084	300.34

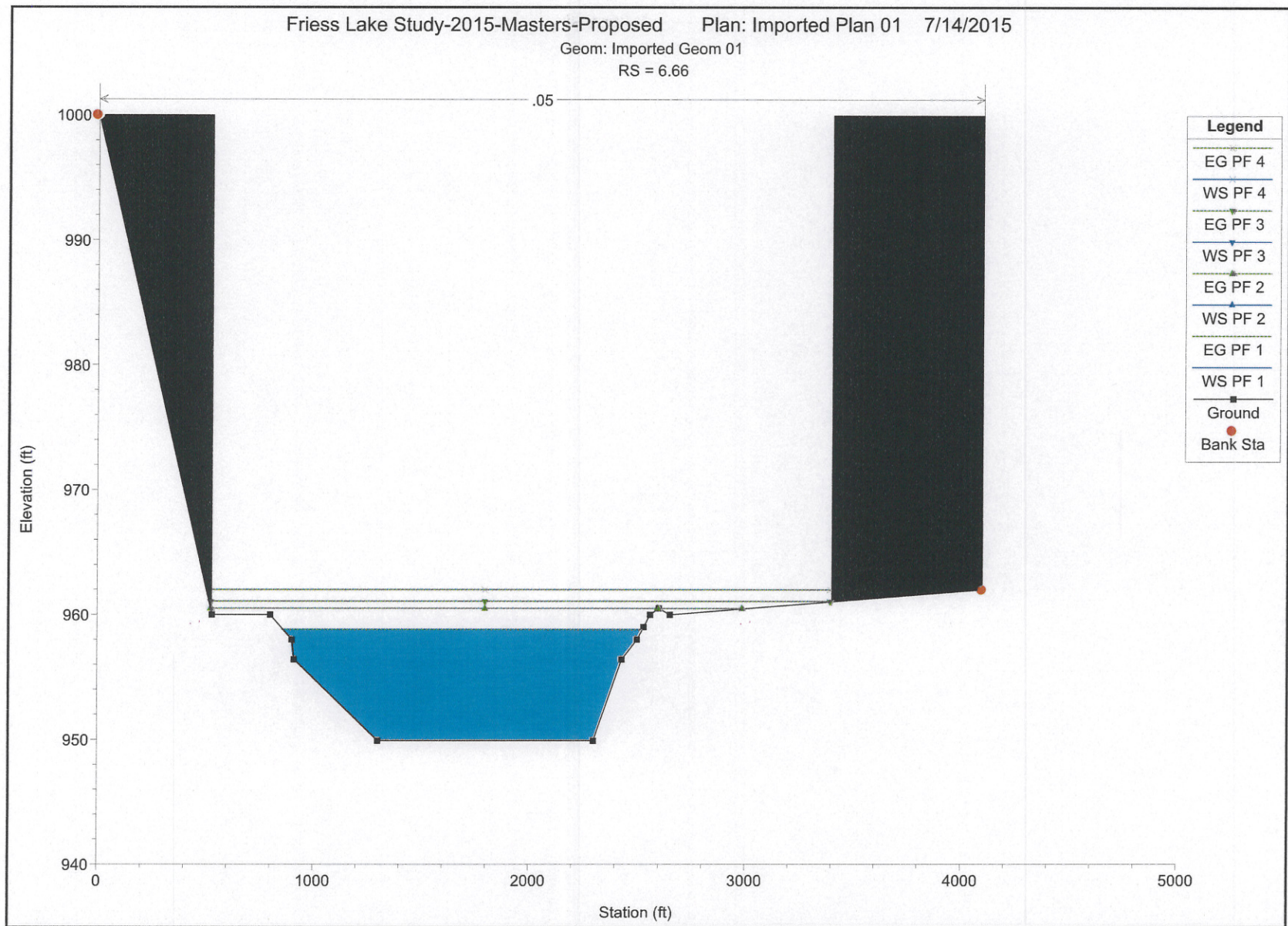














# Cornerstone Land Surveying, LLC

## Plat of Survey

### Surveyor:

Richard Simon  
5080 Fairy Chasm  
West Bend, WI 53095  
(262) 424-5630

### Address:

4906 Lakeview Ave.  
Hubertus, WI 53033

### Notes:

- 1) Bearings or Distances in ( ) are Recorded Measurements
- 2) In providing this boundary survey no attempt has been made to obtain or show data concerning the existence of any utility on the site, whether private, municipal, or public owned.
- 3) No Title Policy furnished therefore completeness of easements is not warranted.
- 4) 100 Year Flood Elevation 960.5' NGVD 1929, per FEMA Panel # 55131C0332D, Effective November 20th, 2013
- 5) Elevations are referenced to the West 1/4 corner of Section 17-9-19, Elevation 959.347' NGVD 1929.



Scale 1" = 20'



### Legend:

- Denotes Iron Pipe Found
- Existing Improvements
- Proposed Improvements
- Existing Contours
- Proposed Contours
- ↗ Drainage Arrow

### Description:

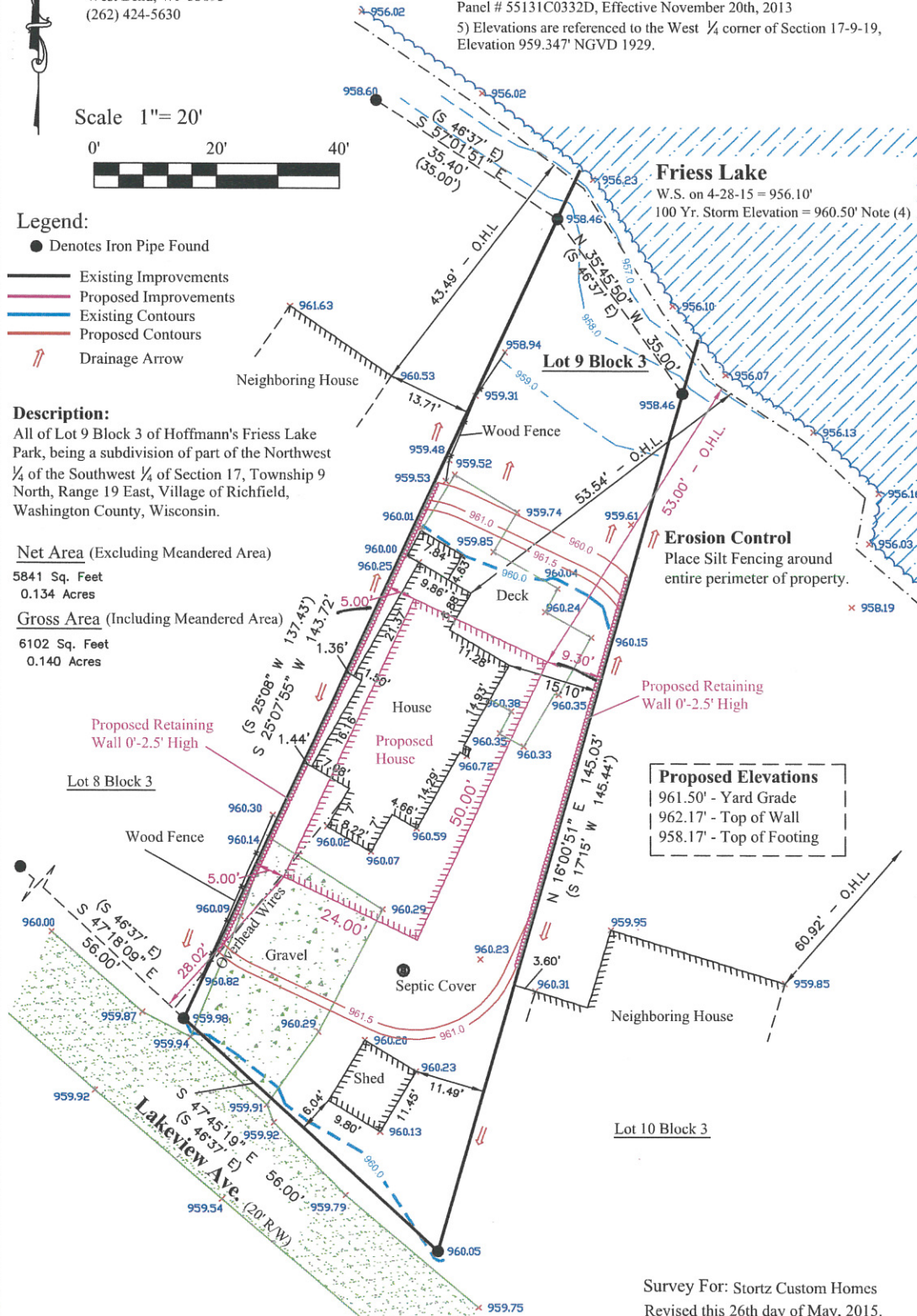
All of Lot 9 Block 3 of Hoffmann's Friess Lake Park, being a subdivision of part of the Northwest 1/4 of the Southwest 1/4 of Section 17, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

### Net Area (Excluding Meandered Area)

5841 Sq. Feet  
0.134 Acres

### Gross Area (Including Meandered Area)

6102 Sq. Feet  
0.140 Acres



STATE OF WISCONSIN ) SS.  
COUNTY OF WASHINGTON)

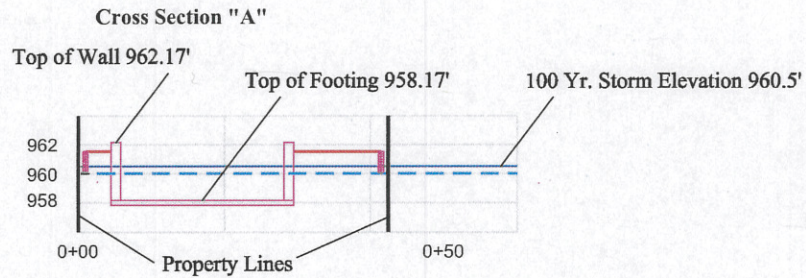
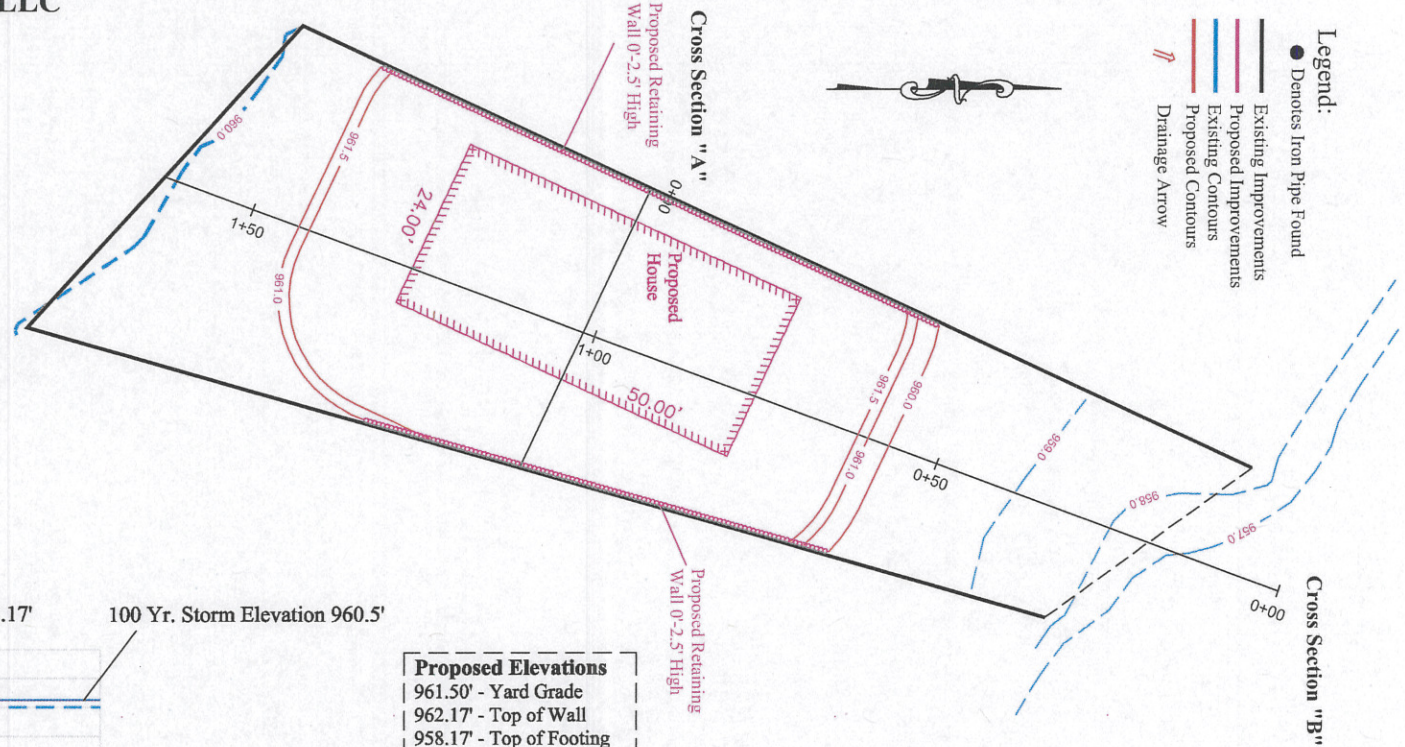
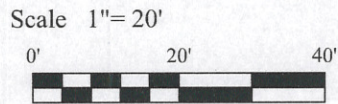
"I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ACCORDING TO OFFICIAL RECORDS AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM THE DATE HERETO."

Sheet 1 of 2

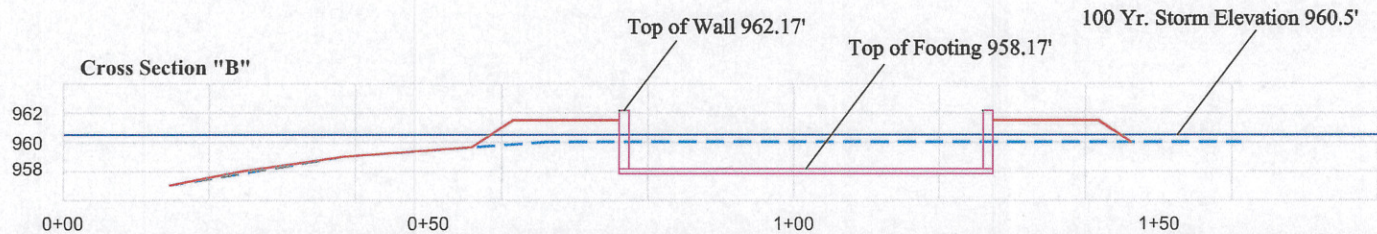


**Cornerstone Land Surveying, LLC**  
Plat of Survey

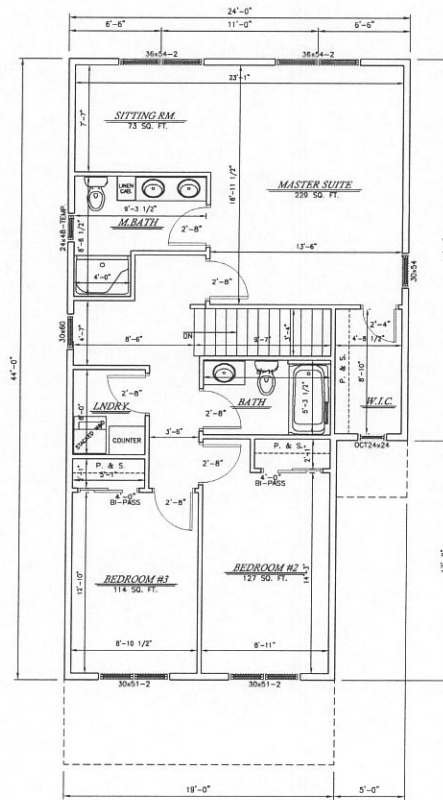
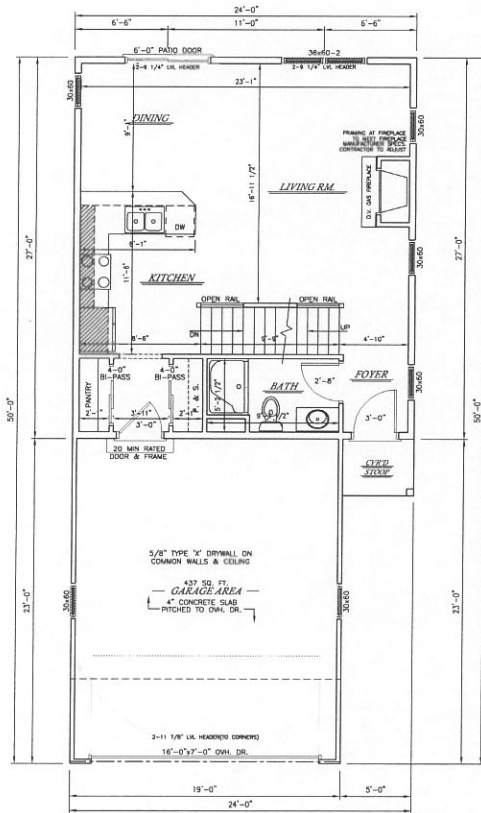
- Legend:**
- Denotes Iron Pipe Found
  - Existing Improvements
  - Existing Contours
  - Proposed Contours
  - ↗ Drainage Arrow



Proposed Elevations	
961.50'	- Yard Grade
962.17'	- Top of Wall
958.17'	- Top of Footing



Sheet 2 of 2



<b>STORTZ CUSTOM HOMES</b> <small>STORTZ CUSTOM HOMES, LLC          1111 S. 10TH AVE., SUITE 100          MILWAUKEE, WI 53224          TEL: 414.224.1111          FAX: 414.224.1112          WWW.STORTZCUSTOMHOMES.COM</small>		PROPOSED NEW HOME FOR: <b>MASTERS LAKE HOUSE</b> ADDRESS: WISCONSIN		<b>PRELIMINARY PLAN</b> ALL DIMENSIONS ARE APPROXIMATE AND NOT TO SCALE. ALL FINISHES ARE TO BE DETERMINED AT A LATER DATE. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM STORTZ CUSTOM HOMES, LLC.
DRAWN BY: J.A.S. SCALE: 1/4" = 1'-0" SHEET NO: A1 DRAWING NO: 715-238-C	COPYRIGHT © 2012 STORTZ CUSTOM HOMES, LLC ALL RIGHTS RESERVED.			PREPARED FOR: J.A.S. PROJECT NO: 715-238-C DATE: 10/24/12